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PATENT
Customer No. 22,852
Attorney Docket No. 07579.0005-06000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Graham Edmund KELLY) Group Art Unit: 1654
)
Application No.: 10/799,022) Examiner: Not Yet Assigned
)
Filed: March 11, 2004) Confirmation No. 7571
)
For: METHODS OF CHOLESTEROL)
REDUCTION USING)
ISOFLAVONES)

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Supplemental Information Disclosure Statement ("IDS") is being filed, to the undersigned's knowledge, before the mailing of a first Office Action.

In view of the potential relatedness of this case to the others set forth in the Information Disclosure Statement, submitted concurrently herewith, Applicant submits the references cited in these cases. This submission should not be construed, however, as an admission of relatedness.

Applicant wishes to direct the Office's attention to Interference Proceeding No. 104,576 involving the Gorbach U.S. Patent No. 5,498,631 ("the '631"). In that interference, Stanley Gorbach was the senior party. The junior party, Graham Edmund Kelly, one of the inventors in this application, successfully argued the priority of U.S. Application Serial No. 08/910,837. Thus, to the extent that the presently pending claims are similar to the Kelly claims in interference, the '631 Gorbach patent is not a proper reference under Section 102.

To assist the Office in its review of these documents, Applicant offers the following information. Specifically, in foreign applications related to applications Serial Nos. 09/602,191, 10/274,371, 10/611,087 (parent case for the present application), 10/611,151 and U.S. Patents Nos. 6,497,906, 6,562,380, and 6,642,212 (Attorney Docket Nos. 07579-0001-00, and 07579-0005-00; 07579-0005-01; 07579-0005-02; 07579-0005-03; 07579-0005-04; 07579-0005-05), third parties initiated opposition proceedings in Australia and New Zealand. Applicant submits the following declarations from those proceedings:

1. Statutory Declaration of Joseph Nicolas Van Haaster.
2. Statutory Declaration of Norbert Krause.
3. Statutory Declaration of Hubert Regtop.
4. Statutory Declaration of Kerry Martin Bone.
5. Statutory Declaration of Nancy Beckham.
6. Statutory Declaration of G. Clements.
7. Statutory Declaration of Fiona Bathgate.
8. Statutory Declaration of Julie Hill.
9. Statutory Declaration of Ngaire Petit-Young.
10. Statutory Declaration of Jennifer Carpinelli.

This Supplemental IDS also submits documents cited in the other applications set forth in the chart submitted in Information Disclosure Statement filed concurrently herewith. Copies of the listed documents are attached unless already provided in the U.S. Patent Application No. 10/611,087 ("the '087 application"), filed July 2, 2003, upon which Applicant relies for the benefits provided in 35 U.S.C. § 120. German published application DE 44 32 947 A1 and Grunert et al. are not in English. In lieu of a statement of relevance or translation of the non-English documents, English language versions of the EPO Supplementary Partial Search Report dated October 11, 2002, from U.S. Patent No. 6,599,536 (Attorney Docket No. 07579-0013-00) and the EPO Communication dated March 8, 2002, from U.S. Patent No. 6,562,380 (Attorney Docket No. 07579-0005-00) citing these documents have been submitted in the '087 application. Schultz, in German, and Deschamps-Vallet, in French, have certified English translations attached to the copy submitted in the '087 application. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

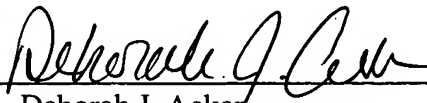
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

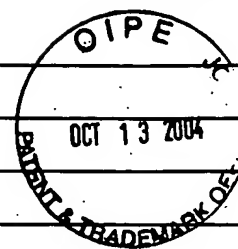
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 12, 2004

By: 
Deborah J. Acker
Reg. No. 48,916

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07579-0005-06000	Serial No.	10/799,022
Applicant	Graham Edmund KELLY		
Filing Date	March 11, 2004	Group:	1654



U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
		2002 0035074-A1	03/25/2002	Kelly			03/21/2002
		3,471,520	10/07/1969	Irmscher et al.			
		3,535,344	10/20/1970	Irmscher et al.			
		3,973,608	08/10/1976	Umezawa et al.			
		4,157,984	06/12/1979	Zilliken			
		4,200,692	04/29/1980	Puls et al.			
		4,264,509	04/28/1981	Zilliken			
		4,301,251	11/17/1981	Rumyantseva et al.			
		4,366,082	12/28/1982	Zilliken			
		4,390,559	06/28/1983	Zilliken			
		4,428,876	01/31/1984	Iwamura			
		4,814,346	03/21/1989	Albert et al.			
		5,141,746	08/25/1992	Fleury et al.			
		5,153,230	10/06/1992	Jafery			
		5,247,102	09/21/1993	Kállay et al.			
		5,320,949	06/14/1994	Shen			
		5,352,384	10/04/1994	Shen			
		5,424,331	06/13/1995	Shlyankevich			
		B1 5,498,631 Rexam.Cert.	03/03/1998	Gorbach et al.			
		5,506,211	04/09/1996	Barnes et al.			
		5,516,528	05/14/1996	Hughes et al.			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

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		5,523,087	06/04/1996	Shlyankevich			
		5,530,112	06/25/1996	Greenshields et al.			
		5,547,866	08/20/1996	Durzan et al.			
		5,554,519	09/10/1996	Weber et al.			
		5,569,459	10/29/1996	Shlyankevich			
		5,637,561	06/10/1997	Shen et al.			
		5,639,785	06/17/1997	Kung			
		5,679,806	10/21/1997	Zheng et al.			
		5,700,669	12/23/1997	Hanson et al.			
		5,702,752	12/30/1997	Gugger et al.			
		5,726,034	03/10/1998	Bryan et al.			
		5,733,926	03/31/1998	Gorbach			
		5,763,389	06/09/1998	Shen et al.			
		5,789,581	08/04/1998	Matsuura et al.			
		5,792,503	08/11/1998	Gugger et al.			
		5,804,234	09/08/1998	Suh et al.			
		5,830,887	11/03/1998	Kelly			
		5,855,892	1/5/1999	Potter et al.			
		5,942,539	08/24/99	Hughes, Jr. et al.			
		6,060,070	05/09/2000	Gorbach			
		6,235,773	05/22/2001	Bissett			
		6,261,565	07/17/2001	Empie et al.			

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		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
		AU-A-10227/95	7/27/1995	Australia			
		AU-A-24813/97	12/18/1997	Australia			
		AU-A-27714/00	11/23/00	Australia			
		AU-A-73072/98	09/30/1999	Australia			
		AU-B-80655/87	05/05/88	Australia			
		DE 44 32 947 A1	03/21/1996	Germany			No
		EP 0129667 A1	01/02/1985	Europe			
		EP 0135172 A2	03/27/1985	Europe			
		EP 0136569 A2	04/10/1985	Europe			
		EP 0426998 A2	05/15/1991	Europe			Entire document
		EP 0 671 170 A1	09/13/1995	Europe			
		EP 0 795 553 A1	09/17/1997	Europe			
		EP 0 906 761 A2	04/07/1999	Europe			
		GB 1482238	08/10/1977	Great Britain			
		GB 1 495 189 A	12/14/1977	Great Britain			
		JP S50-0035393	04/04/1975	Japan			Abstract
		JP S50-101360 A	08/11/1975	Japan			Abstract
		JP S50-160483 A	12/25/1975	Japan			Abstract
		JP S61-246124 A	11/01/1986	Japan			Abstract
		JP S61-247396 A	04/11/1986	Japan			Abstract
		JP S62-106016 A	05/16/1987	Japan			Abstract

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		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
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		JP S62-126186 A	06/08/1987	Japan			Abstract
		JP H01-042427 A	02/14/1989	Japan			Abstract
		JP H01-226824 A	09/11/1989	Japan			Abstract
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		JP H02-067218 A	03/07/1990	Japan			Abstract
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		JP H02-124883 A	05/14/1990	Japan			Abstract
		JP H02-160722 A	06/20/1990	Japan			Abstract
		JP H03-047049 A	02/28/1991	Japan			Abstract
		JP H05-170756 A	07/09/1993	Japan			Abstract
		JP H06-040876 A	02/15/1994	Japan			Abstract
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		JP H06-321752 A	11/22/1994	Japan			Abstract
		JP H07-173148 A	07/11/1995	Japan			Abstract
		JP H09-067362 A	03/11/1997	Japan			Abstract
		JP H10-059956 A	03/03/1998	Japan			Abstract
		WO 91/14429 A1	10/03/1991	PCT			
		WO 93/23069	11/25/1993	PCT			
		WO 94/23716	10/27/1994	PCT			
		WO 95/03293 A1	02/02/1995	PCT			

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	WO 96/10341 A1	04/11/1996	PCT			
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	WO 00/64438 A1	11/02/2000	PCT			
	WO 00/66576 A1	11/09/2000	PCT			

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Adlercreutz, H. et al., "Determination of Urinary Lignans and Phytoestrogen Metabolites, Potential Antiestrogens and Anticarcinogens, in Urine of Women on Various Habitual Diets," <i>J. steroid Biochem.</i> , Vol. 25, No. 58, pp. 791-797 (1986).
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	Adlercreutz, H. et al., "Dietary Phytoestrogens and Cancer: <i>In Vitro</i> and <i>In Vivo</i> Studies," <i>J. Steroid Biochem. Molec. Biol.</i> , Vol. 41, No. 3-8, pp. 331-337 (1992).
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	Baber, R. et al. "The effect of an isoflavone dietary supplement (Rismostil) on serum lipids, forearm bone density and endometrial thickness in post-menopausal women," <i>Proc 10th Annual Meeting of the North American Menopause Society</i> , New York, 23-25 (September 1999).
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	Bannwart, C. et al., "Identification of the isoflavonic phytoestrogen daidzein in human urine," <i>Clinica Chimica Acta</i> , Vol. 136, Nos. 2-3, pp. 165-172, (January 1984).
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	Beuker Velasse - Advertising Brochure - with English language translation (publication date unknown).
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	Caswell, A. (ed) "Hypolipidaemic Agent," MIMS Annual, 23 rd edition, pp. 2-152 to 2-169, Singapore (1999).
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